IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 9426 of 1999

Between:

A.P.S.R.T.C. represented by its
Managing Director, Mushirabad,
Hyderabad.

..... PETITIONER

AND

1. The State Transport Appellate Tribunal,
A.P., Hyderabad, rep.by its Presiding Officer.
2. The Regional Transport Authority,
Anantapur, rep.by its Secretary.
3. Sri S.M.Gulzar, W/o S.M.Kaleem,
1/268, R.S.Road, Kadiri, Anantapur dist.
4. Sri Y.Raja Reddy, S/o Y.Narsi Reddy,
D.No.1/132, Near: Clock Tower,
Kadiri, Anantapur district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction especially in the nature of a writ of certiorari, calling for the records relating to the impugned order dated 17-08-1998 in R.P.No.60/97 on the file of the State Transport Appellate Tribunal, A.P., Hyderabad, in upholding the order dated 13-5-97 and 19-5-97 made in R.No.12822/A2/96 by the Regional Transport Authority, Anantapur, and quash the same as arbitrary and illegal, without jurisdiction.

Counsel for the Petitioner:Mr.V.V.P.Rao, Standing Counsel for A.P.S.R.T.C.

Counsel for the Respondents 1 and 2: Government Pleader for Transport

Counsel for the Respondent No.3: Mr.E.Maruthi Raja, Advocate

Counsel for the Respondent No.4: None appeared.

The Court made the following Order:

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Heard the learned counsel Mr. E.Maruthi Raja appearing for the 3rd respondent. None represents the 4th respondent though notice was served.

The applications made by the 3rd and 4th respondents for grant of pucca stage carriage permit one each to ply on the town service route from Kadiri Sericulture Market to Gollapalli Cross Via: Market Yard, Industrial Estate, Kummaravandlapalli, Thanda, Gangannagaripalli, Kamathampalli, Maddivarigonda Cross, Dornala and Katarupalli cross, were considered by the 2nd respondent-Regional Transport Authority, Ananthapur, and issued proceedings vide Rc.No.12622/A2/96, dated 13-05-1997 and
19-05-1997 to grant stage carriage permits in their favour on the above route subject to receipt of approval from the Transport Commissioner, Andhra Pradesh, Hyderabad as the distance beyond municipal limits is more than 8 kms, against which, the petitioner preferred revision in R.P.No.60 of 1997 before the 1st respondent-State Transport Appellate Tribunal, Andhra Pradesh, Hyderabad but the same was dismissed. Aggrieved by the same, the petitioner preferred the present writ petition before this Court.

The learned counsel on either side fairly concede that as per the law declared by the Apex Court in **A.P.S.R.T.C. v. STATE**

TRANSPORT APPELLATE TRIBUNAL[1], only after obtaining prior permission from the Transport Commissioner, the 2nd respondent-Regional Transport Authority can grant permission sought by the 3rd and 4th respondents.

Having regard to the aforesaid decision, the issuance of pucca stage carriage permits subject to receipt of approval from the State Transport Commissioner is contrary to law and the same cannot be sustainable. Accordingly, the impugned order dated 17-08-1998 passed by the 1st respondent is liable to be set aside and the 3rd and 4th respondents are at liberty to approach the State Transport Commissioner seeking permission for grant of stage carriage permit.

The writ petition is accordingly allowed. No order as to costs.

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this, Monday, the fourteenth day of June, Two thousand and four.

ASSISTANT REGISTRAR.

// TRUE COPY //

SECTION OFFICER.

To

1. The Presiding Officer, State Transport Appellate Tribunal, A.P., Hyderabad.
2. The Secretary, Regional Transport Authority,

Anantapur.
3. Two CCs to the Government Pleader for Transport, High Court Buildings, A.P., Hyderabad (OUT).
4. Two C.D.Copies.

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[1] AIR 1998 SC 2621